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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,841	08/18/2003	Andrew Silver	19018.00011	4077
7590		07/03/2007		
Steven Thrasher				
390 Sandhill Dr.				
Richardson, TX 75080				
			EXAMINER	
			FRENEL, VANEL	
			ART UNIT	PAPER NUMBER
			3627	
			MAIL DATE	DELIVERY MODE
			07/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/642,841	SILVER, ANDREW	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vanel Frenel	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

Notice to Applicant

1. This communication is in response to the application filed on 8/18/03. Claims 1-20 are pending.

***Claim Objections***

2. Claim 20 is objected to because of the following informalities: On page 31, line 19 there is a typographical error in the claim. A claim should end with a comma not a semi-colon. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (6,844,893) in view of Ragsdale-Elliott et al (2002/0147647).

(A) As per claim 1, Miller discloses a restaurant customer management system that manages customer data elements (See Miller, Col.5, lines 61-67 to Col.6, line 6), the system comprising: a software program that receives at least one customer unit request of at least one service from a restaurant (See Miller, Col.8, lines 53-67 to Col.9, line 8).

Miller does not explicitly disclose that the restaurant having a customer managed post-dining system that processes at least one customer data element via a self-check out and payment processing system; and a terminal device, located remotely from the software program, the terminal device adapted to allow a customer unit to operate the post-dining system.

However, these features are known in the art, as evidenced by Ragsdale. In particular, Ragsdale suggests that the restaurant having a customer managed post-dining system that processes at least one customer data element via a self-check out and payment processing system (See Ragsdale, Page 4, Paragraph 0053); and a terminal device, located remotely from the software program, the terminal device adapted to allow a customer unit to operate the post-dining system (See Ragsdale, Page 5, Paragraphs 0089-0090).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Ragsdale within the system of Miller with the motivation of providing a wireless maitre d' system and method which allows interactive two-way communication to selective restaurant personnel for expeditiously receiving, filling and finalizing patron orders in and outside of restaurants (See Ragsdale, Page 2, Paragraph 0016).

(B) As per claim 2, Miller discloses the restaurant customer management system wherein the customer unit is a group of people (See Miller, Col.2, lines 21-24).

(C) As per claim 3, Ragsdale discloses the restaurant customer management system wherein the terminal device is a thin client (See Ragsdale, Page 3, Paragraph 0036).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(D) As per claim 4, Ragsdale discloses the restaurant customer management system wherein the terminal device is a wireless enabled handheld computer (See Ragsdale, Page 3, Paragraph 0036).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(E) As per claim 5, Ragsdale discloses the restaurant customer management system wherein the restaurant comprises a pre-dining system that identifies the customer unit, manages queue assignment, pages the customer unit, updates a table management system, and stores a least one customer data element in a database (See Ragsdale, Page 4, Paragraph 0054).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(F) As per claim 6, Ragsdale discloses the restaurant customer management system wherein the restaurant comprises a dining system that provides an interactive menu (See Fig.2; Ragsdale, Page 4, Paragraphs 0047-0051).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(G) As per claim 7, Ragsdale discloses the restaurant customer management system wherein the self-check out and payment processing system comprises a handheld terminal device having at least: a payment means (See Ragsdale, Page 4, Paragraph 0053); a digital signature capturing means (See Ragsdale, Page 4, Paragraph 0053); and a graphical user interface (See Ragsdale, Page 1, Paragraph 0012).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(H) As per claim 8, Ragsdale discloses the restaurant customer management system wherein the post-dining system provides a post-dining survey (See Ragsdale, Page 2, Paragraph 0015), collects at least one customer data element from the customer unit via a terminal device, and stores the customer data element in a database (See Ragsdale, Page 5, Paragraphs 0089-0090).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(I) As per claim 9, Ragsdale discloses the restaurant customer management method wherein the post-dining system enables the customer unit to pre-purchase an entertainment unit prior to leaving the restaurant via a customer operated terminal

device and receive a hard copy confirming the entertainment unit purchase (See Ragsdale, Page 4, Paragraphs 0053-0054).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(J) As per claim 10, Miller discloses a restaurant customer management system that manages customer data elements (See Miller, Col.5, lines 61-67 to Col.6, line 6), the system comprising: a software program that receives at least one customer unit request of at least one service from a restaurant (See Miller, Col.8, lines 53-67 to Col.9, line 8).

Miller does not explicitly disclose that the restaurant having a customer managed post-dining system that processes at least one customer data element via a self-check out and payment processing system; and a terminal device, located remotely from the software program, the terminal device adapted to allow a customer unit to operate the post-dining system, whereby, the method comprising: a bill review act; a gratuity assignment act; a digital signature act; a payment processing act; a digital receipt storage act; and a customer receipt act.

However, these features are known in the art, as evidenced by Ragsdale. In particular, Ragsdale suggests that the restaurant having a customer managed post-dining system that processes at least one customer data element via a self-check out and payment processing system (See Ragsdale, Page 4, Paragraph 0053); and a terminal device, located remotely from the software program, the terminal device adapted to allow a customer unit to operate the post-dining system, whereby, the

method comprising: a bill review act (See Ragsdale, Page 4, Paragraph 0053); a gratuity assignment act (See Ragsdale, Page 4, Paragraph 0054); a digital signature act (See Ragsdale, Page 4, Paragraph 0046); a payment processing act (See Ragsdale, Page 4, Paragraph 0054); a digital receipt storage act (See Ragsdale, Page 4, Paragraph 0053); and a customer receipt act (See Ragsdale, Page 4, Paragraph 0053).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Ragsdale within the system of Miller with the motivation of providing a wireless maitre d' system and method which allows interactive two-way communication to selective restaurant personnel for expeditiously receiving, filling and finalizing patron orders in and outside of restaurants (See Ragsdale, Page 2, Paragraph 0016).

(K) As per claim 11, Ragsdale discloses the restaurant customer management method wherein the customer receipt act prints a copy of a digital receipt (See Ragsdale, Page 4, Paragraph 0053).

(L) As per claim 12, Ragsdale discloses the restaurant customer management method wherein the gratuity assignment act enables a customer to automatically select a predefined gratuity percent from a graphical user interface (See Ragsdale, Page 4, Paragraphs 0046-0047).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.



(M) As per claim 13, Ragsdale discloses the restaurant customer management method wherein the customer data element is an online payment service provider account number (See Ragsdale, Page 4, Paragraph 0053).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(N) As per claim 14, Ragsdale discloses the restaurant customer method wherein the restaurant is a cafeteria establishment having a customer managed cafeteria method comprising: a cafeteria selection act (See Ragsdale, Page 5, Paragraph 0069); and a customer check out act (See Ragsdale, Page 4, Paragraph 0053).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(O) As per claim 15, Ragsdale discloses the restaurant customer method wherein the cafeteria selection act occurs when a customer unit takes a food or beverage items from a cafeteria countertop (See Ragsdale, Page 4, Paragraphs 0047-0051).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(P) As per claim 16, Ragsdale discloses the restaurant customer method wherein the

customer check out act is when a customer unit pays for food and beverage items selected via a payment means (See Ragsdale, Page 4, Paragraph 0053).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(Q) As per claim 17, Ragsdale discloses the restaurant customer management method wherein the payment means is an RFID card (See Ragsdale, Page 1, Paragraph 0011).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(R) As per claim 18, Miller discloses a method of splitting a customer bill on a terminal device comprising: identifying a number of people at a table (See Miller, Col.6, lines 20-28); identifying a person associated with a menu item (See Miller, Col.8, lines 7-24); splitting at least one restaurant item between at least two people (See Miller, Col.8, lines 28-52).

Miller does not explicitly disclose that the method having monitoring a bill balance; and closing an individual bill balance.

However, these features are known in the art, as evidenced by Ragsdale. In particular, Ragsdale suggests that the method having monitoring a bill balance (The Examiner interprets payment of bill 70 to a form of monitoring a bill balance since customers or patrons have several options of payments See Ragsdale, Fig.4, Page 4,

Paragraph 0053); and closing an individual bill balance (The Examiner interprets payment of bill 70 to a form of closing an individual bill balance since customers or patrons have several options of closing bill balance See Ragsdale, Fig.4, Page 4, Paragraph 0053).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Ragsdale within the system of Miller with the motivation of providing a wireless maitre d' system and method which allows interactive two-way communication to selective restaurant personnel for expeditiously receiving, filling and finalizing patron orders in and outside of restaurants (See Ragsdale, Page 2, Paragraph 0016).

(S) As per claim 19, Ragsdale discloses the method of splitting a customer bill on a terminal device wherein identifying a person associated with a menu item is accomplished by a customer manipulating a software system graphical user interface on a terminal device (See Ragsdale, Page 2, Paragraph 0015).

The motivation for combining the respective teachings of Miller and Ragsdale are as discussed in the rejection of claim 1 above, and incorporated herein.

(T) As per claim 20, Ragsdale discloses the method of splitting a customer bill on a terminal device wherein closing an individual bill balance comprises: a restaurant customer management system for processing a customer data element, tracking a customer data element, and storing a customer data element (See Ragsdale, Page 4,

Paragraph 0054; Page 5, Paragraph 0089); a terminal device having an operating system for running a graphical user interface software, digital signature capture software, and payment processing software (See Ragsdale Page 4, Paragraph 0053); and a printer for printing a customer receipt (See Ragsdale, Page 4, Paragraph 0053).

### ***Conclusion***

5 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches commodity order system (2005/0086117) and customer-based wireless ordering and payment system for food service establishments using terminals and mobile devices (2004/0054592).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vanel Frenel

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June 23, 2007

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